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| 27189 | 7590 | 08/07/2008 | | |
| PROCOPIO, CORY, HARGREAVES & SAVITCH LLP | | | EXAMINER | |
| 530 B STREET | | | WANG, LIANG CHE A | |
| SUITE 2100 | | | | |
| SAN DIEGO, CA 92101 | | | ART UNIT | PAPER NUMBER |
| | | | 2153 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com

PTONotifications@procopio.com

Office Action Summary

Application No.

10/807,514

Applicant(s)

LEVI ET AL.

Examiner

Liangche A. Wang

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-17 are presented for examination.
2. Claims 1 and 12 are amended.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/16/2008 has been entered.

The New Grounds of Rejection

4. Applicant's amendment and argument with respect to claims 1-17 filed on 7/16/2008 have been fully considered but they are deemed to be moot in views of the new grounds of rejection.

Specification

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over, Moshfeghi et al., US Patent Number 6,076,166 hereinafter Moshfeghi, in views of Ji et al., US Patent Number 5,623,600, hereinafter Ji.
8. Referring to claim 1, Moshfeghi teaches a method of assuring the quality of data being transmitted in response to a client request (Col 1 lines 36-41), the method comprising:
 - a. a data provider (web server) receiving a request for client requested data over the internet from a client (client 16)(figure 1, Col 2 lines 26-30, Col 1 lines 11-15, web server receives request from client);
 - b. obtaining said client requested data, in response to said request, at said provider (Col 2 lines 30-36);
 - c. transmitting said obtained data to said client (Col 7 lines 28-31).

Moshfeghi does not teach responsive to said request and before providing said obtained client requested data to said client, performing a quality assurance procedure at said data provider on said obtained client requested data to indicate whether said obtained client requested data is corrupted in order to assure the quality of said obtained client requested data, and if said quality assurance procedure does not indicate that said obtained client requested data is corrupted, then transmitting said data responsive to said quality assurance procedure; and if said quality assurance procedure indicates that said obtained client requested data is corrupted, then not transmitting said obtained client requested data.

Ji teaches virus scanning on the requested data prior to the file transferring, and transferring the file from the system to the recipient if the file does not contain a virus and delete the file if the file contains virus (abstract).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have the client requested data of Moshfeghi to be quality assured by the service provider as taught by McLaughlin, because both Moshfeghi and Ji discloses service providers for providing data to the clients, and Ji further performs virus scanning (quality assurance) prior to the transfer.

A person with ordinary skill in the art would have been motivated to make the modification to Moshfeghi because having the requested data to be quality assured before transmitting would assure the data quality of the data before provided by the service provider.

9. Referring to claim 2, Moshfeghi teaches the method according to claim 1, wherein said performing a quality assurance procedure comprises comparing said data to said request (Ji, Col 7 lines 19-28).
10. Referring to claim 3, Moshfeghi teaches the method according to claim 1, wherein said performing a quality assurance procedure comprises comparing said obtained client requested data to stored data (Ji, Col 7 lines 19-28).
11. Referring to claim 4, Moshfeghi teaches the method according to claim 1, wherein said performing a quality assurance procedure comprises checking an electronic signature associated with said obtained client requested data (Col 3 lines 58-65).

12. Referring to claim 5, Moshfeghi teaches the method according to claim 1, wherein said performing a quality assurance procedure comprises checking a limited usage-code associated with said obtained client requested data (Col 3 lines 58-65).
13. Referring to claim 6, Moshfeghi teaches the method according to claim 1, wherein said performing a quality assurance procedure comprises checking a one-way hash function of said obtained client requested data (Col 2 lines 26-57).
14. Referring to claim 7, Moshfeghi teaches the method according to claim 1, wherein said performing a quality assurance procedure comprises analyzing a content of said obtained client requested data against a preexisting value (Col 2 lines 43-45).
15. Referring to claim 8, Moshfeghi teaches the method according to claim 1, further comprising transmitting a message when said quality assurance procedure indicates that said obtained client requested data is corrupted (Col 6 lines 55-58).
16. Referring to claim 9, Moshfeghi teaches the method according to claim 9, further comprising receiving said obtained client requested data by a user of said obtained client requested data; and second performing a quality assurance procedure on said obtained client requested data, at said user (Col 7 lines 28-31, user is viewing the retrieved data).
17. Referring to claim 10, Moshfeghi teaches the method according to claim 9, wherein said second performing a quality assurance procedure comprises checking a digital signature of said obtained client requested data (Col 7 lines 28-31, user is viewing the retrieved data).

18. Referring to claim 11, Moshfeghi teaches the method according to claim 1, wherein said performing a quality assurance procedure comprises calculating a checksum for said obtained client requested data (Col 3 lines 5—65, data integrity).
19. Referring to claim 12, Moshfeghi teaches a method of data transmission (Col 1 lines 36-41) comprising:
- a. receiving a request for data over the internet from a client (figure 1, Col 2 lines 26-30, Col 1 lines 11-15, web server receives request from client);;
 - b. obtaining data, in response to said request, at said provider (Col 2 lines 30-36);
 - c. transmitting said obtained data to said client (Col 7 lines 28-31).

Moshfeghi does not teach responsive to said request and before providing said obtained client requested data to said client, performing a quality assurance procedure at said data provider on said obtained client requested data to indicate whether said obtained client requested data is corrupted in order to assure the quality of said obtained client requested data, and if said quality assurance procedure does not indicate that said obtained client requested data is corrupted, then transmitting said data responsive to said quality assurance procedure; and if said quality assurance procedure indicates that said obtained client requested data is corrupted, then not transmitting said obtained client requested data.

Ji teaches virus scanning on the requested data prior to the file transferring, and transferring the file from the system to the recipient if the file does not contain a virus and delete the file if the file contains virus (abstract).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have the client requested data of Moshfeghi to be quality assured by the service provider as taught by McLaughlin, because both Moshfeghi and Ji discloses service providers for providing data to the clients, and Ji further performs virus scanning (quality assurance) prior to the transfer.

A person with ordinary skill in the art would have been motivated to make the modification to Moshfeghi because having the requested data to be quality assured before transmitting would assure the data quality of the data before provided by the service provider.

20. Referring to claim 13, Moshfeghi teaches the method according to claim 12, wherein said performing a quality assurance procedure comprises checking an electronic signature associated with said data (Col 3 lines 58-65).
21. Referring to claim 14, Moshfeghi teaches the method according to claim 12, wherein if said quality assurance procedure indicates that said obtained data is corrupted, then obtaining back up data (figure 2, Col 6 lines 49-58).
22. Referring to claim 15, Moshfeghi teaches a system for data transmission (Col 1 lines 36-41) comprising:
 - a. means for receiving a request for data over the internet from a client (figure 1, Col 2 lines 26-30, Col 1 lines 11-15, web server receives request from client);
 - b. means for obtaining client requested data, in response to said request, at said provider (Col 2 lines 30-36);
 - c. means for transmitting said obtained data to said client (Col 7 lines 28-31).

Moshfeghi does not teach responsive to said request, performing a quality assurance procedure at said data provider on said obtained client requested data to indicate whether said obtained client requested data is corrupted in order to assure the quality of said obtained client requested data, and if said quality assurance procedure does not indicate that said obtained client requested data is corrupted, then transmitting said data responsive to said quality assurance procedure; and if said quality assurance procedure indicates that said obtained client requested data is corrupted, then not transmitting said obtained client requested data.

Ji teaches virus scanning on the requested data prior to the file transferring, and transferring the file from the system to the recipient if the file does not contain a virus and delete the file if the file contains virus (abstract).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have the client requested data of Moshfeghi to be quality assured by the service provider as taught by McLaughlin, because both Moshfeghi and Ji discloses service providers for providing data to the clients, and Ji further performs virus scanning (quality assurance) prior to the transfer.

A person with ordinary skill in the art would have been motivated to make the modification to Moshfeghi because having the requested data to be quality assured before transmitting would assure the data quality of the data before provided by the service provider.

23. Referring to claim 16, Moshfeghi teaches the method according to claim 15, wherein said performing a quality assurance procedure comprises checking an electronic signature associated with said obtained client requested data (Col 3 lines 58-65).
24. Referring to claim 17, Moshfeghi teaches the method according to claim 15 further comprising: means for obtaining backup data if said quality assurance procedure indicates that said obtained client requested data is corrupted (figure 2, Col 6 lines 49-58).

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
July 28, 2008

/Liangche A. Wang/
Primary Examiner, Art Unit 2153